

Statement of Claim

Continued from IV Count III

1. Plaintiff arrived at the Delaware Correctional Center on January 20, 2004 with a broken right hand while housed at the prison receiving room, Plaintiff requested to see a physician and saw a Registered Nurse i.e., RN Pine concerning treatment for a broken right hand later that night after I was Transferred into General prison population.
- 2) Plaintiff went to the DCC Hospital and saw a Registered Nurse (RN) who declined to wrap and splint his hand (note: the name of this RN) is unknown at this time by plaintiff) - however said RN gave plaintiff a carton of 600 mg of ibuprofen and a ice pack, Plaintiff informed said (RN) that he believed that his hand was broken, later that night Plaintiff went back to the prison hospital and saw another (RN). Presently unknown to plaintiff who declined to wrap or splint plaintiff hand because "in said (RN)'s (nurse) words he didn't want to wrap it and get it wrong
- 3) on January 22, 2004, Plaintiff saw a doctor Ali Homer who gave Plaintiff a check up and told Plaintiff that it was obvious that his hand was broken. Said Dr. Ali also told Plaintiff that she would put Plaintiff down for X-Ray and a cast as soon as possible. on January 22, 2004 plaintiff was transferred to MTHU from C-Bldg. Plaintiff confronted The Bldg Sgt. on numerous occasion and different shifts to request to see the nurse because of the unbearable pain and swelling of his hand.

4.) Plaintiff was told by the mtho sgt's (Name unknown) to put in a sick call slip. Finally on February 26, 2004 plaintiff was seen by a nurse Quamie, who gave plaintiff a three (3) day supply of motrin. Plaintiff was accompanied to medical by Correctional officer. Paul Vansworth, the mtho Building 23. B-Tier officer who work on the 4-12 shift.

5.) On several other occasions, plaintiff was told by several other mtho correctional officer i.e., Sgt Ski on the 4-12 shift at mtho and correctional officer's Abernethy and McClain to put in for sick call, Co Abernethy and McClain works 8-4 shift.

6.) On January 28, 2004, plaintiff put in a sick-call for treatment of his hand to no avail. Then on February 1, 2004, plaintiff filed a Grievance about not being seen by the x-ray technician and obstruction as prescribed by doctor. At Honor on January 22, 2004, plaintiff put in another sick-call on Feb 10, 2004 and filed another Grievance and was seen on February 14, 2004 by the Head (RNS) Brenda Holwerda who examined plaintiff's hand and stated she was sorry that she didn't know who it was who told me (plaintiff) that I would be taken care of by February 18, 2004. The following Wednesday, plaintiff was given 800 mg of motrin and saw the x-ray technician who confirmed that plaintiff had a broken hand that was starting to mend on its own.

7.) On Thursday, February 20, 2004, plaintiff again saw RNS Brenda Holwerda who stated that she wanted him to relinquish his grievance. Chief medical officer, For (FCM) medical services contractual staff Brenda Holwerda and plaintiff signed a Doctran stating that plaintiff will go outside the prison to get my hand fixed, i.e., proper medical treatment.

8/ it is a precaution plaintiff requested a copy of said Doctor's
 agreeing to send him (plaintiff) to a outside physician R.V. Blend
 Dabrowski stated she would send a copy of said Doctor's vice the
 mail. To take plaintiff never did receive Elective surgery cast ect. nor
 was he been transferred Back to said Doctor as he recommended rechecking
 in 6 weeks. Defendant Lisa, Merson Failure to follow The Doc. Grievance
 Procedure The U.4 Standard operating procedure for grievances provides (3) days
 To conclude a Level I informal grievance, The grievance was filed on 2/1/04
 but the Level I grievance was not done until 2/20/04 This is 19 days
 or rather 16 days to late beyond The scope of the grievance process. A
 direct result of this delay is that I saw the outside doctor too late
 (Sec Consultation order prepared by Dr. Dushuttle on 3-2-04 this delay
 directly resulted in permanent injury to my hand Defendant Lisa, Merson
 has acted with a Requisite or culpable state of mind Defendant Merson, Lisa
 knew and disregarded an excessive risk to plaintiff's health or safety Defendant
 Merson, Lisa knew and was aware of plaintiff's Broken Right Hand yet ignored
 Administering the Adequate and proper treatment because of the Delay
 in treatment, plaintiff hand was never set in a cast Resulting in a
 permanent bump. Defendant's has acted with reckless disregard for
 plaintiff's condition and know of the plaintiff need for medical
 Treatment and intentionally Refuse to provide it. And delay necessary
 Medical treatment based on a non-medical reason. And prevents plaintiff from
 receiving needed and recommended medical treatment

Attached Statement of Claim continued From IV Count IV

1.) Plaintiff arrived at the Delaware Correctional Center on January 20, 2004 with a broken hand. While housed at the prison receiving room, plaintiff requested to see a physician and saw a Registered Nurse. i.e., RN. per concerning treatment for a broken right hand later that night after I was transferred into the general prison population

2.) Plaintiff went to the DCC hospital and saw a Registered Nurse (RN) who declined to wrap and splint his hand. Note: the name of this (RN) is unknown at this time by plaintiff however said RN gave plaintiff a carton of 600 mg of ibuprofen and a ice pack. Plaintiff informed said (RN) that he believed that his hand was broken, later that night plaintiff went back to the prison hospital and saw another (RN) presently unknown to plaintiff who declined to wrap and splint plaintiff's hand because in said (RN) (male) word he ~~didn't~~ ~~want~~ to wrap it and get it wrong.

3.) on January 22, 2004, Plaintiff saw a doctor Ali Hauer who gave Plaintiff a check-up and told Plaintiff that it was obvious that his hand was broken. Said Dr. Ali also told Plaintiff that she would put Plaintiff down for X-Ray and a cast as soon as possible. On Jan 22, 2004 Plaintiff was transferred to MTH from C-Bldg. Plaintiff confronted the Building Sgt on numerous occasions and different shifts to request to see the nurse because of the unbearable pain and swelling of his hand.

4.) Plaintiff was told by the MTH Sgt (Name unknown) to put in a Sick call slip. Finally on Feb 26, 2004 Plaintiff was seen by a nurse Quamie, who gave Plaintiff a three day supply of Motrin. Plaintiff was accompanied to medicine by correctional officer Paul Vaswani the MTH Building 23 B-tier officer who works on the 4-12 shift.

5.) on several other occasions, Plaintiff was told by several other MTH correctional officers i.e. Sgt. Ski on Dec 4-12 shift at MTH and correctional officer Abernacke and McElwaine to put in for sick call. Co Abernacke and McElwaine work 8-4 shift.

- 6.) On January 28, 2004 plaintiff put in a sick-call for Treatment of his hand To no avail; Then on Feb 1, 2004. Plaintiff Filed a administrative medical Grievance about not being seen by The x-ray technician and obstetrician as prescribed by the doctor Altobner on January 27, 2004. Plaintiff put in another sick-call on February 10, 2004 and filed another Grievance and was seen on February 14, 2004 by Head RN Brenda Holwerda, chief medical officer examined Plaintiff's hand and stated she was sorry that she didn't know who it was who told me (Plaintiff) that I would be taken care of by February 18, 2004 The following wednesday. Plaintiff was given 800 mg of motrin for the first time and Plaintiff was in some really severe pain and saw the X-Ray technician who confirmed that Plaintiff's hand was broken and was starting to mend on it's own.
- 7.) On Thursday, February 20, 2004. Plaintiff again saw chief medical officer Brenda Holwerda who stated that she wanted plaintiff to exhaust all Administrative Remedy's as are available by signing a piece of paper "Doctrine" at medical services contractual staff interview. Plaintiff agreed and signed the Doctrine. The plaintiff was told by chief medical officer Brenda Holwerda that he would go outside the prison to get his hand fixed ie; proper medical attention which never took place.

8) Plaintiff Agreed as a premature Resolution to his Feb 1, 2004 and his Feb 16, 2004 Grievances (Id.) informal Resolution and Defendants agreed to treat plaintiff with proper medical care but never did. Plaintiff was under the impression that he would receive the appropriate medical attention as a resolution to his two grievances. Plaintiff never received Elective Surgery and cast Etc. on 3-2-04 & was transferred to a outside doctor and He recommended re checking in 6 weeks. The Plaintiff was never taken back to said Dr. Dushittle. Plaintiff filed another grievance on 2-27-05 with regards to my Elective Surgery because plaintiff still experiencing pain in the Region which was disregarded (Id) Grievance Dated 2-27-05, The Defendant, Angela Wilson was deliberately indifferent to Plaintiff's serious medical needs on 9-15-04 Defendant Angela Wilson was served with process Return of service executed by URM Services on 9-15-04. Plaintiff was diagnosed by first correctional medical physician Doctor Ali Homer. He having a broken right hand said Doctor Homer ordered X-ray and a hand cast on 1-22-04. Plaintiff filed several sick call slips about the delay stating need medical attention still haven't received it. Plaintiff filed a medical administrative grievance about the substandard medical treatment. Plaintiff continued to file Grievances and sick call slips on 2-1-04 and a second on 2-10-04. Plaintiff was confronted on February 14, 2004 by Defendant Chief medical officer Brenda Holwerda from the medical services contractual staff. Directly responsible to the institution in reg. to Sick call/Grievances

9). Plaintiff was given morphine for pain by Holwerda, but she did not wrap or X-Ray Plaintiff's hand on February 18, Plaintiff received his X-Ray. The technician confirmed that Plaintiff had a broken hand. The technician also determined that Plaintiff's hand was beginning to mend itself on Feb 20 2004 Plaintiff was seen by Holwerda in Ref: Medicine Services Contractual Staff interview; Holwerda told Plaintiff that he would be examined by a outside physician, on 3-2-04 Plaintiff was transferred to a doctor. Dushuttle. This verifying medicine evidence by the doctor who examined Plaintiff's hand own admission, stating that Plaintiff's hand had already started healing on its own. Due to the none-treatment by Defendants clearly demonstrates Defendants' delay in elective surgery Plaintiff offers the expert medical testimony identifying the alleged deviation from the applicable standard of care (See consultation order prepared by Mr. Dushuttle said Doctor Dushuttle recommended re-checking in 6 weeks. The Defendants failed to carry out the proscribed orders of its own doctor (Id. physician's order sheet, state new orders below, where clearly Defendant chief medicine officer Brenda Holwerda own admission, "stating; repeat above order not done demonstrate Defendant reckless disregard for Plaintiff condition. Plaintiff filed several sick-leave slip about the unbearable pain and swelling of his hand and filed grievances to this fact, stating need medicine which still haven't received it. To no avail. The Plaintiff request were unanswered until Feb 14 the Plaintiff was given 800 mg of morphine for the first time and Plaintiff was in some really acute severe pain.

Defendant Angela Wilson directly participated in the infraction on 9/15/04

10) Despite the fact That Defendant Angela Wilson was served process with regards to C.A. #04-176-GMS The Defendant has failed to Remedy

The wrong. plaintiff filed a Administrative Medical Grievance on 2.27.05 which was disregarded (ID. Grievance, 2.27.05). The substandard medical

Treatment provided to plaintiff was Arbitrary Capricious and cruel the medication provided to the plaintiff. 800 mg of morphine was nothing more than a cursory method of treatment and has prevented plaintiff from receiving needed and recommended medical treatment and persist in a particular course of treatment in the face of resultant pain and risk of further significant injury and has delayed necessary medical treatment based on a non-medical reason. The Defendant Angela Wilson, has acted with a culpable state of mind Defendant knew and disregarded an excessive risk to plaintiff's health or safety Defendant knew of and were aware of plaintiff's broken hand yet ignored administering the adequate and proper treatment. The defendant knows of the plaintiff need for medical treatment but intentionally refuse to provide it. plaintiff has a serious medical and he has demonstrated that the medical deprivation was objectively serious and that Defendants (first co-defendant medical, Brenda Helwerdt, Lisa Mason, Angela Wilson, Subjectively know about the deprivation and refuse to remedy it. Defendants conduct demonstrates a knowing indifference to plaintiff's serious medical needs. Defendants extreme conduct has caused severe emotional distress to plaintiff. Defendants failure to adequately treat plaintiff's condition has resulted in further significant injury and chronic and persistent pain for him and impeded his daily activities and persist with reckless disregard for plaintiff's condition. because of the delay in treatment. plaintiff hand was never set in a cast. Resulting in a permanent bump.

11.) Defendant. Wilson, Regina, Regional H.R. Manager of First Correctional has been aware of this problem since 9/17/04 as verified by -locket # of Civil Action # 05-CV-176.) Since 9/17/04 Mrs Wilson has not exercised her Supervisory Authority to mitigate this ongoing problem. Her inaction since 9/17/04 is deliberate indifference.

Plaintiff asserts: I am trained as a master carpenter. I will not be able to work as a master carpenter with my hand in this condition. The failure of the Defendants to act on the broken hand has caused serious and permanent injury to my hand. This injury if not corrected will effect my future earnings potential for the rest of my life. A master carpenter can earn 40,000 a year. without the full use of my hand. Plaintiff will only be qualified for minimum wage jobs with an earning potential of about 15,000, A year. The Defendants deliberate indifference could cause me actual damages of \$25,000 a year.

(Attached sheet Statement of claim continued from)
 (i IV (cont II), cont VI)

1) Plaintiff Arrived at the Delaware Correctional Center on January 20, 2004 with a broken Right Hand while housed at the prison visiting room. Plaintiff Requested to see a physician and saw a Registered nurse i.e., RN. Pine concerning treatment for a broken hand, Right. Later that night after I was Transferred into the prison's general population.

2) Plaintiff went to the DCC Hospital and saw a RN. who declined to wrap and splint his hand (note: the name of this RN is unknown at this time by Plaintiff) However said RN. gave Plaintiff a carton of 600 mg of ibuprofen and a Ice pack. Plaintiff informed said (RN) that he believed that his hand was broken. Later that night Plaintiff went back to the prison hospital and saw another (RN) presently unknown to Plaintiff who also declined to wrap or splint Plaintiff's hand because in said RN's words "he didn't want to wrap it and get it wrong".

3) on January 22, 2004. Plaintiff saw a Doctor Ali Hameed who gave Plaintiff a check up and told Plaintiff that it was obvious that his hand was broken. Said Dr. Ali also told Plaintiff that she would put Plaintiff down for X-Ray and a cast as soon as possible. On January 22, 2004 Plaintiff was transferred to the Frome C-Bldg. Plaintiff confronted the Building Sgt. on numerous occasions and different shifts to Request to see the nurse because of the unbearable pain and swelling of his hand.

4.) Plaintiff was told by the MTH Sgt's to put in a sick-call slip.

Finally on February 26, 2004 plaintiff was seen by a nurse practitioner, who gave plaintiff a three day supply of Motrin. Plaintiff was accompanied to medical by correctional officer Paul Unsworth the MTH Building 23. B Tier officer who work the 4-12 shift.

5.) on several other occasions on different shifts, plaintiff was told by several other MTH correctional officers i.e., Sgt on the 4-12 shift at MTH and correctional officer Sgt Abernethy and correctional officer McClain to put in for a sick-call. (Abernethy and McClain work 8-4 shift)

6.) on January 28, plaintiff put in a sick-call for treatment of his hand to NO-PAIN. Then on February 1, 2004 plaintiff filed a Administrative Medical Grievance about not being seen by the X-Ray technician and distribution as prescribed by doctor Aliflorer on January 22, 2004. Plaintiff put in another sick-call on Feb 10, 2004 and filed another grievance and was seen on February 14, 2004 by the head (RN) Brenda Helwerdt who examined plaintiff and stated she was sorry that she didn't know who it was who told me (plaintiff) that I would be taken care of by February 18, 2004. The following Wednesday, plaintiff was given 800 mg of Motrin and saw the X-Ray technician who confirmed that plaintiff's hand had a broken bone that was starting to mend on its own.

7) on Thursday, February 20, 2004 plaintiff again saw RN Brenda Helwerda who stated that she wanted him to Relinquish his grievance w/ FCM medical services contractual staff interview. Brenda Helwerda and plaintiff agreed to exhaust all Administrative remedies are available. Plaintiff signed a Doctine stating that plaintiff will go outside the prison to get his head fixed i.e., proper medical treatment. Id informal Resolution.

8.) As a precaution plaintiff requested a copy of said Doctine agreeing to send him (plaintiff) to an outside physician. RN Brenda Helwerda stated she would send a copy of said Doctine via the mail. To date, Plaintiff has not received said Doctine or nor has he been sent to an outside Doctor in regard to his severe broken head for medical treatment. Plaintiff's head remains broken and untreated as of the date of this lawsuit. Plaintiff never did receive elective surgery and cost ect.